

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARY RATCLIFF, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROBERT RATCLIFF,

Respondent-Appellant,

and

SHANNON RATCLIFF,

Respondent.

In the Matter of ALLYSON RATCLIFF, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROBERT RATCLIFF,

Respondent-Appellant,

and

SHANNON RATCLIFF,

Respondent.

UNPUBLISHED

March 8, 2007

No. 272209

Washtenaw Circuit Court

Family Division

LC No. 04-000139-NA

No. 272210

Washtenaw Circuit Court

Family Division

LC No. 04-000141-NA

In the Matter of TYLER RATCLIFF, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROBERT RATCLIFF,

Respondent-Appellant,

and

SHANNON RATCLIFF,

Respondent.

No. 272211
Washtenaw Circuit Court
Family Division
LC No. 04-000140-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

PER CURIAM.

In these consolidated appeals, respondent-appellant appeals as of right the order of the trial court terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that clear and convincing evidence supported the statutory grounds for termination. MCR 3.977(J); *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). Even though he knew that his parental rights were at stake, respondent-appellant failed to adequately address his substance abuse and engaged in a number of actions that resulted in his incarceration. As a result, respondent-appellant was unavailable to work toward reunification with his children during much of the time that the case was pending before the trial court. At the time of termination, respondent-appellant had not secured housing, remained unemployed, and, despite his participation in various substance abuse treatment programs, had not demonstrated that he could remain drug free for any length of time, other than when incarcerated.

Once the petitioner had established a statutory ground for termination, the trial court was required to order termination of parental rights unless the court found from evidence on the whole record that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Although respondent-appellant parented appropriately during visits with the children, and the children were very attached to him, respondent-appellant dashed the children's hopes repeatedly by promising that he would soon regain custody of them and then failing to take any of the necessary steps, such as

securing housing and employment and avoiding incarceration. On this record, it cannot be said that the trial court erred in its determination that the children's best interests did not preclude termination of respondent-appellant's parental rights.

Affirmed.

/s/ Deborah A. Servitto
/s/ Michael J. Talbot
/s/ Bill Schuette